

## REMARKS

In the Office Action, the Examiner noted that claims 1-10 and 17-24 are pending in the application and that claims 1-10 and 17-24 are rejected. By this response, claims 1-4, 6-8, 10, 17-21, 23, and 24 have been amended, and new claim 25 has been added. Thus, claims 1-10 and 17-25 are pending in the application. Pursuant to a telephone conversation between Applicant's attorney and the Examiner in this matter on March 28, 2003, reconsideration of the application in view of the amended claims and the new claim submitted herein and the accompanying Request for Continued Examination (RCE) Transmittal is requested. During such telephone conversation, it was agreed that a telephone interview would be scheduled, following the filing of this paper.

### Objection to Drawings

In the instant Office Action the Examiner objected to the drawings under 37 CFR §1.83(a), stating the drawings must show every feature of the invention specified in the claims, and that therefore each corner surface subtending an angle greater than an angle subtended by the respective corner as stated in claims 1, 17 and 21 must be shown or the feature(s) cancelled from the claim(s). The Examiner has indicated that proposed drawing corrections or corrected drawing, depicting reference to these two angles, are required. Applicant disagrees and hereby traverses this rejection. — took language out of claims 1, 17, 21

Figures 3 and 7 illustrate the alignment corner surfaces as being curved in an arc of more than 90 degrees, but less than 180 degrees, with a radius of curvature 44 about a center of curvature 46. Preferably, each alignment corner surface 42 is conical in shape

having a wide curved arc in the horizontal direction and a steep inclined shallow conical wall element in the vertical direction (see paragraph 24).

Figures 4-6 illustrate the internal alignment corner surfaces 42 extending downward at a steep obtuse angle "B" of between 94 degrees and 105 degrees relative to the bottom wall 12 (see paragraph 23 and Fig. 6).

Independent claims 1, 17 and 21 have been amended. Accordingly, Applicant asserts that the objection to the drawings has been overcome and action to that end is respectfully requested.

#### **Objection to Specification**

The Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter, and correction is required. However, the respective claims have been amended. Furthermore, the corner surface geometry is provided with reference to paragraphs 23 and 24, as described above with reference to the objection to the drawings. Applicant has amended independent claims 1, 17, and 21. Accordingly, Applicant asserts that the objection to the specification has been overcome and action to that end is respectfully requested.

#### **Rejection Under 35 U.S.C. §112, second paragraph**

Claims 1-10 and 17-24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, the corner surface details are claimed by the examiner to be indefinite. Independent claims 1, 17, and 21 have been

amended. Furthermore, the corner surface geometry is provided with reference to paragraphs 23 and 24, as described above with reference to the objection to the drawings.

Hence, Applicant asserts that amended claims 1-10 and 17-24 overcome the §112, second paragraph, rejection, and withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C., §102**

Claims 1-5, 7, 8, 10 and 17-24 are rejected under 35 U.S.C. §102(b) as being anticipated by *Corelli* (U.S. Patent 3,659,741). *Corelli* teaches a container for shipping fresh fish or meat where the shipped product requires ice for cooling during transit. The container includes a water well in the bottom of the container for collecting water from melting ice. The walls on the water well can be vertical or inclined outwardly.

*Corelli* does not disclose the particular alignment corner surfaces as provided in amended independent claims 1, 17, and 21 (as well as in the respective dependent claims). Hence, the §102 rejection is believed to be overcome. Withdrawal of this rejection is respectfully requested.

#### **Rejections Under 35 U.S.C., §103**

Claims 3-5, 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Corelli*. *Corelli* teaches a container for shipping fresh fish or meat where the shipped product requires ice for cooling during transit. The container includes a water well in the bottom of the container for collecting water from melting ice. The walls on the water well can be vertical or inclined outwardly.

*Corelli* does not teach or suggest the particular alignment corner surfaces as provided in amended independent claims 1, 17, and 21 (as well as in the respective dependent claims). Hence, the §103 rejection is believed to be overcome. Withdrawal of this rejection is respectfully requested.

Claims 2 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Corelli* in view of *LaFleur* (U.S. Patent No. 5,224,623). *LaFleur* teaches an open container having inclined sidewalls with substantially spirally wound ribs formed around the sidewalls and around the container to reinforce the container and provide for nesting into similar containers for improved transport and durability. However, the ribs are complex in geometry which would make it very difficult to configure a male locator in a trim press that would impart alignment of the container during a trim operation. Hence, the container of *LaFleur* would not provide alignment features that would be economical and easy to use with traditional trim press alignment fixtures. Hence, the alignment corner surfaces are not taught or suggested by *LaFleur*, amended claims 2 and 9 are believed to overcome the §103 rejection so as to be allowable, and action to that end is respectfully requested.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Corelli* in view of *Ramirez* (U.S. Patent No. 5,934,472). However, *Corelli* does not teach or suggest the alignment corner surfaces of the amended claim 6, claim 6 is believed to overcome the 103 rejection so as to be allowable, and action to that end is respectfully requested.

#### **Corrected Drawing**

The Examiner has objected to the drawings. However, pursuant to amendment to the claims and cited support provided above, Applicant respectfully traverses this objection

and further believes that the amendment to the claims further over comes the objection to the drawings. Accordingly, Applicant respectfully requests removal of the rejection.

### CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. However, the Examiner has agreed to allow an interview following submission of this paper. Accordingly, Applicant respectfully requests a telephone interview following submission of this response and before issuance of any such subsequent action.

Respectfully submitted,

Dated: \_\_\_\_\_

3/31/03

By: \_\_\_\_\_

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